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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mauritius

1. The Committee considered the initial report of Mauritius (CRC/C/3/Add.36) at its 332nd, 333rd, and 334th meetings, held on 3 and 4 October 1996 (see CRC/C/SR.332-334), and, at its 343rd meeting, held on 11 October 1996, adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation of the report submitted by the Government of Mauritius, as well as of the extensive additional information provided in its written responses to the list of issues (CRC/C.12/WP.6). The Committee is encouraged by the frank tone of the discussion, in which the high-level delegation of the State party recognized the need for improvement in certain areas concerning children.

B. Positive aspects

3. The Committee welcomes the oral and written commitment of the Government of Mauritius to withdrawing its reservation to article 22 of the Convention.

4. The Committee takes note of the establishment in 1990 by Act of Parliament, of the National Children's Council, set up under the aegis of the Ministry of Women's Rights, Child Development and Family Welfare, and welcomes the recent establishment of an interministerial committee on child prostitution.

5. The Committee notes with satisfaction the efforts made by the Government of Mauritius in the field of law reform and especially the adoption, in pursuance of the implementation of the Convention, of the Child Protection Act in November 1994.

6. The Committee welcomes the ratification by the State party of ILO Convention No. 138 on the minimum age for admission to employment (1973).

7. The Committee welcomes the willingness expressed by the delegation to establish an ombudsperson for the rights of the child or another equivalent independent mechanism.

8. The Committee also notes with appreciation that the Government of Mauritius has prepared and implemented the National Programme of Action for the Survival, Development and Protection of Children in response to the recommendations and goals enunciated in the Declaration and Plan of Action adopted by the World Summit for Children in September 1990.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee is aware of the geographical particularities of Mauritius. The Committee also notes that the population of the State party is mainly composed of immigrants from various continents, with different ethnic origins and cultural backgrounds.

D. Principal subjects of concern

10. The Committee is concerned that the Convention is not an integral part of the national legislation and that national laws and regulations are not fully consistent with the principles and provisions of the Convention.

11. The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or child labour or the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working in the streets.

12. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, children living in poverty and children who, in order to survive, are living and/or working in the streets. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

23. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country.

24. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights for all groups. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who are forced to live and/or work in the streets in order to survive. It is further suggested that the State party request international cooperation in this regard.

25. The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsperson for the rights of the child.

26. The Committee encourages the Government of Mauritius to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

27. The Committee recommends that the State party launch a permanent information campaign, for both children and adults, on the Convention on the Rights of the Child. The Government should consider incorporating the Convention in school curricula and take appropriate measures to facilitate access by children to information produced for them. The Committee suggests that the State party develop a comprehensive training programme for professional groups such as teachers, social workers, doctors, law enforcement personnel and immigration officers. Police officers must be specially trained to deal with child abuse and neglect.

28. The Committee encourages the State party to undertake a comprehensive study on the impact of malnutrition on child development in connection with school drop-out and child labour, and to take all appropriate measures to address this problem. International cooperation could be requested to achieve

this task and consideration should be given to the strengthening of cooperation with the International Labour Organization and the United Nations Children's Fund (UNICEF). It is also recommended that the State party encourage and support the establishment of day-care centres at workplaces, to enable children of working mothers to benefit from a healthy development.

29. The Committee recommends that a global study on the quality of the education system be made. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to fight school drop-out and to prevent child labour. Measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards girl children and children belonging to minority groups. It is also suggested that sexual education be included in school curricula. It recommends that comprehensive studies be initiated on these important issues to provide better understanding of these phenomena and facilitate the elaboration of policies and programmes to combat them effectively.

30. The Committee also recommends that, in order fully to protect the rights of the child in adoption procedures, the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

31. In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism. The Committee also recommends that the Penal Code be amended in the light of the Convention. Further measures should be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

32. The Committee recommends that the State party envisage undertaking a comprehensive reform of the Juvenile Offender Act in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period, to protecting the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee also recommends that the penal law be amended so that adults having sexual intercourse with boys under 16 be considered as a criminal act. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

33. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Mauritius be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.